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The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

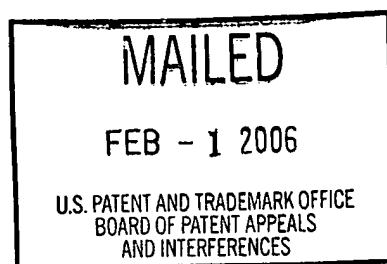
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SCOTT ANDERSEN and
DANE FISHER

Appeal No. 2004-1406
Application 09/553,094

ORDER DISMISSING APPEAL



Before FLEMING, Chief Administrative Patent Judge,
HARKCOM, Vice Chief Administrative Patent Judge,
ADAMS, Administrative Patent Judge.

Per curiam.

On January 15, 2003, appellants filed a Notice of Appeal. On January 17, 2006, appellants filed a communication requesting that this application be "expressly abandoned under 37 C.F.R. §1.138(a) upon entry of the Amendment filed January 6, 2006." Appellants also noted that a continuation application was filed on January 11, 2006.

Accordingly, it is


ORDERED that the appeal filed January 15, 2003, is dismissed.

Appeal No. 2004-1406
Application 09/553,094

The application is being returned to the examiner for further action as may be appropriate.


Michael R. Fleming, Chief
Administrative Patent Judge


Gary V. Harkcom, Vice Chief
Administrative Patent Judge


Donald E. Adams
Administrative Patent Judge

BOARD OF PATENT
APPEALS AND
INTERFERENCES

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